

CSD 1489 [12/01/15]

Name, Address, Telephone No. &amp; I.D. No.

John F. Lenderman  
 1401 La Brucherie Rd., Ste 15  
 El Centro, Ca 92243  
 760-960-0711

82269

**UNITED STATES BANKRUPTCY COURT**  
 SOUTHERN DISTRICT OF CALIFORNIA  
 325 West F Street, San Diego, California 92101-6991

In Re

Armando Rodriguez and Hilda Rodriguez

Debtor,

Bankruptcy No. 17-01116

**MOTION TO REOPEN CASE**The ☐ Trustee ☒ Debtor ☐ Party in interest, \_\_\_\_\_,

hereby moves for the entry of an order reopening the above-referenced case pursuant to Fed. R. Bankr. P. 5010

- ☐ To file the Financial Management Certificate and Official Form 423
- ☐ To file a Certificate of Eligibility for Discharge (Spousal Support Certification – CSD 2120, 2121, 2122)
- ☐ To file an Amendment (CSD 1100) and Notice to Creditor (CSD 1101), if required
- ☒ To file a Motion to Avoid Lien(s)
- ☐ To file an Adversary Proceeding, except for the following:
- §523 adversary proceeding to determine dischargeability of debt
  - File an adversary proceeding or motion to remedy an alleged violation of the discharge
- ☐ To file a Motion to Vacate Dismissal
- ☐ For other purpose as stated below (specify):

Declarations as required by LBR 9013-7(a)(1) accompany this motion.

DATED: 04/22/2022

\_\_\_\_\_  
[Attorney for] Moving Party**Reminder: The below actions do not require the reopening of the Bankruptcy case.**

- Motion to Redact/Restrict Public Access.
- Motion for Release of unclaimed funds.
- Motions for reconsideration of judicial rulings.
- Any effort to enforce a judgment in an adversary proceeding (e.g., Writs of Execution, Judgment Debtor Examinations, etc.).

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4 Phone 760-960-0177  
5 lendermanlaw@gmail.com  
6 Attorney for Debtors

7 UNITED STATES BANKRUPTCY COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA

9 IN RE:

Case No.: 17-01116

10 ARMANDO RODRIGUEZ AND HILDA RODRIGUEZ,

DEBTORS' JOINT DECLARATION IN  
SUPPORT OF MOTION TO AVOID LIEN  
UNDER 11 U.S.C. § 522 (REAL PROPERTY)

11 DEBTORS,

12 We, the DEBTORS, ARMANDO RODRIGUEZ and HILDA RODRIGUEZ, make the following joint declaration  
13 in support of our Motion To Avoid Lien Under 11 U.S.C. § 522 (f)(2)(a) (REAL PROPERTY):

- 14
- 15 1. We filed a Chapter 7 Voluntary Petition on 02/28/2017. We appeared at our 341(a) Meeting of Creditors  
16 in person with Chapter 7 Trustee James L. Kennedy on 04/07/2017.
  - 17 2. We own real property, a single-family home located at 866 Danenburg Drive, El Centro, Ca 92243. We  
18 listed our home with a value of \$270,00.00 in our filed Schedule A- Real Property.
  - 19 3. We elected to use the homestead exemption under CA Code of Civil Procedure § 704.730 and we claimed  
20 our home as exempt in the amount of \$82,369.00 in our filed Schedule C - The Property You Claim As  
21 Exempt.
  - 22 4. GCFS, Inc., a California corporation, recorded an Abstract Of Judgment ("Abstract") with the County of  
23 Imperial, Clerk-Recorder's Office, with Instrument No. 2013-12692, on 06/11/2013. In addition Capital  
24  
25

DEBTORS' JOINT DECLARATION IN SUPPORT OF MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522 (REAL PROPERTY) - 1

One Bank (USA) N.A., recorded an Abstract Of Judgment ("Abstract") with the County of Imperial, Clerk-Recorder's Office, with Instrument No. 2014-16869, on 11/29/2011. The underlying judgement supporting the recorded Abstract was obtained against JOINT DEBTOR, HILDA RODRIGUEZ.

5. At the time that we filed their Ch. 7 bankruptcy petition, our home was encumbered by the following liens:

- a. Real Time Resolutions (First Mortgage) = \$ 164,706.00
- b. Real Time Resolutions (Second Mortgage)=\$22,925.00
- c. GCFS Inc,(Judgement Lien)=\$12,039.00
- d. Capital One(Judgement Lien)=\$12,244.00

6. We request that the Court to issue an order avoiding GCFS, Inc., lien created by the Abstract Of Judgement that was recorded with the County of Imperial, Clerk-Recorders Office with Instrument No. 2013-12692, on 03/04/2013. We also request that the Court to issue an order avoiding Capital One lien created by the Abstract Of Judgement that was recorded with the County of Imperial, Clerk-Recorders Office with Instrument No.2014-16869.

7. We request that the Court grant such other and further relief as the Court may deem to be just and proper to protect our right to a fresh start, including but not limited to, allowing us to file amendments to switch our exemption election to the C.C.P. § 704 exemption scheme, and to file an amended motion.

#### VERIFICATION

I, Hilda Rodriguez, the Debtor, make the foregoing declaration under penalty of perjury of the laws of the United States of America.

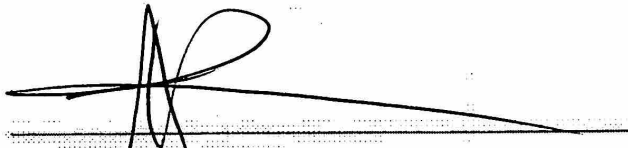
Dated this 26th day of April, 2022

  
HILDA RODRIGUEZ

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7  
8 VERIFICATION

9 We, Armando Rodriguez and Hilda Rodriguez, the Debtors, make the foregoing  
10 declaration under the penalty of perjury of the laws of the United States of America.  
11

12  
13 Dated this  
14

15  
16   
17 Armando Rodriguez, Debtor  
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DEBTORS' JOINT DECLARATION IN SUPPORT OF MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522 (REAL PROPERTY)

Order No. 140-2045590-32

The beneficial interest under said Deed of Trust was assigned  
To:

The Bank of New York Mellon FKA The Bank of New York as Trustee for the  
Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-18CB Mortgage Pass-  
Through Certificates, Series 2007-18CB  
1/24/2012, as Instrument No. 2012-1501, Official Records.

By Assignment Recorded:

A Deed of Trust to secure the indebtedness of

Amount:

\$43,000.00

Trustor:

Hilda Rodriguez, a married woman, as her sole and separate property

Trustee:

Recontrust Company, N.A.

Beneficiary:

Countrywide Home Loans, Inc. dba America's Wholesale Lender, Serviced by Mortgage  
Electronic Registration Systems, Inc. (MERS)

Dated:

5/23/2007

Recorded:

6/7/2007 as Instrument No. 2007-23191 of Official Records

If the above deed of trust is an Equity Line/Line of Credit, prior to close we will require the following:

(a) Evidence that the line of credit has been frozen and no advances have been made after the issuance of the demand for payoff; and.

(b) any remaining checks, passbooks, or credit cards issued in conjunction with the line of credit be surrendered

The above Deed of Trust is reflected as an equity line loan. Prior to final payoff we will require a written statement (enclosed), with original signatures, from the borrower/owner and beneficiary, stating the account has been frozen and the maker of the loan has requested the line of credit to be closed; or a full reconveyance must be submitted for recording concurrent with payoff.

The beneficial interest under said Deed of Trust was assigned

To: Bank of America, N.A.

By Assignment Recorded: 4/4/2017, as Instrument No. 2017-7782, Official Records.

**Abstract of Judgment**

Recorded:

6/11/2013 as Instrument No. 2013-12692, Official Records

Entered:

3/4/2013

Case No:

00022524

Court:

Superior Court of California, County of Imperial

Judicial District:

El Centro Department

Amount:

\$12,052.33 plus interest and costs

In favor of:

GCFS, Inc., a California Corporation

Against:

Hilda Rodriguez

Attorney for judgment creditor or mailing address:

Name:

Brighton Hushing-Kline 257399; Gary A. Bemis, 92508

Legal Department of GCFS, Inc.

Address:

4301 Secondwind Way Ste 110

PO Box 3410

Paso Robles, CA 93446

Order No. 140-2045590-32

11 An Abstract of Judgment  
Recorded:~~Entered~~~~5/26/2018 Instrument No 201816869 Official Records~~~~Case No.~~~~17292418~~

Court:

~~REC-1251~~

Judicial District:

Superior Court of California, County of Imperial  
Main Courthouse~~Amount~~~~\$12,244.18 plus interest and costs~~~~In favor of~~~~Capital One Bank (USA) N.A.~~

Against:

Hilda Rodriguez

Attorney for judgment creditor or mailing address:

Name:

~~Legal Recovery Law Offices, Inc.~~

Address:

Andrew P. Rundquist Bar #262523  
5030 Camino De La Siesta #340  
San Diego, CA 92108

- 12 The title search has disclosed possible liens and judgments that cannot be eliminated until we receive a completed Statement of Information from Hilda Rodriguez. THIS TRANSACTION WILL NOT BE ABLE TO CLOSE UNTIL WE HAVE RESOLVED THESE MATTERS. YOUR PROMPT ATTENTION IS APPRECIATED.

End of Schedule B